

REMARKS

Applicant has amended claims 1, 2, 3, 5, 6, 9, 11, 13 and 16, amended the drawings, abstract and the specification. Applicant respectfully submits that these amendments to the claims, specification, abstract and drawings are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the specification, drawings, abstract and claims as amended.

The Examiner has objected to the drawings and requested a correction to Fig. 9. Submitted herewith is one replacement sheet for Fig. 9.

The Examiner has objected to the abstract. Applicant has amended the abstract and respectfully requests that the Examiner withdraw the objection.

The Examiner has further objected to the specification and pointed out portions to be clarified and correct. Applicant has amended the specification where indicated and respectfully requests that the Examiner withdraw the objection.

The Examiner has objected to claims 1, 3, 6, 9 and 13 as containing certain informalities. Applicant has amended the claims to correct the informalities.

The Examiner has rejected claims 1-9 and 11-16 under 35 USC 103 as being obvious over Stein et al. in view of Bard, stating that Stein et al. discloses all of the present invention except for the details of a fixed-monetary-amount purchasing system or information regarding precious metal holdings such as an exchange of merchandise or a storage method; Bard discloses a fixed-monetary-amount investment program and a way to exchange and store precious metals; and it would have been obvious to one of ordinary skill in the art to modify Stein et al. in view of the teachings of Bard.

In reply thereto, Applicant has carefully reviewed Stein et al. and respectfully submits that Stein et al. appears to be directed to a system to be utilized by brokers and client managers and not by individual clients who are buying commodities such as precious metals. In contrast thereto, Applicant's invention is directed toward individual clients and not toward brokers and client managers. Also, Applicant respectfully submits that Applicant's invention as claimed requires: "storing all of said purchased merchandise in protective custody for said client accounts in each instance" (see step (d) of Applicant's claim 1). Applicant's review of Stein et al. indicates that it does not disclose this step.

Applicant has further carefully reviewed Bard and respectfully submits that while Bard mentions a “program”, Applicant’s analysis indicates that it is not a software program and merely describes a process offered by particular companies to assist people in purchasing and accumulating precious metals and points. In addition, Applicant respectfully submits that Bard does not disclose or suggest the step (d) of Applicant’s claims.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant’s invention and claims 1-9 and 11-16 are not obvious over Stein et al. in view of Bard.

The Examiner has rejected claims 10 and 17 under 35 USC 103 as being obvious over Stein et al. in view of Bard and further in view of A-Mark, stating that the combination of Stein et al. and Bard discloses all of the present invention except for providing limit orders or images of merchandise held in protective custody; A-Mark provides an order execution process wherein trades occur at a particular trading price as well as “Videomelt” wherein a videotape allows a customer to witness that their precious metals have been handled professionally and that a fair assay has taken place; and it would have been obvious to one of ordinary skill in the art to modify Stein et al. and Bard as suggested by A-Mark.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant’s invention, Stein et al. and Bard. Still further, Applicant respectfully submits that A-Mark discloses the kinds of services which would be provided by precious metal and coin dealer and the “Videomelt” is not an image of the merchandise stored in protective custody which is displayed by the client server in accordance with the types and weight of the merchandise, as is required by Applicant’s claim 17.

In view of the above, therefore, Applicant respectfully submits that claims 10 and 17 are not obvious over Stein et al. in view of Bard and further in view of A-Mark.


Applicant further respectfully and retroactively requests a two month extension of time so as to respond to the Office Action. Please charge Deposit Account No. 11-1445 in the sum of \$450 as the fee.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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